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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,672	10/22/2001	Paul G. Allen	50588/49	2374
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DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			EXAMINER NGUYEN, MINH CHAU	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/045,672	<b>Applicant(s)</b> ALLEN ET AL.	
	<b>Examiner</b> MINH-CHAU N. NGUYEN	<b>Art Unit</b> 2145	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/16/02</u> . | 6) <input type="checkbox"/> Other: _____  |

*MIN*

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18, 20-38, 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman (US 6,363,248 B1) and Tov et al. (Tov) (US 2002/0152402 A1).
2. Regarding claim 1, Silverman teaches a method for routing video calls to a user of multiple communication devices, the method comprising:
  - receiving a telephone incoming call addressed to a recipient (i.e. a recipient is a called party) (Col. 3, L. 16-50);
  - identifying the recipient from information contained within the incoming call (i.e. identifying the called party from information which contained the called party identification) (Col. 2, L. 58-65; and Col. 3, L. 16-50);
  - determining a set of communication devices associated with the recipient (Col. 2, L. 62 - Col. 3, L. 2, and L. 16-50);
  - selecting from the set of communication devices a first communication device with a highest probability of being presently accessible to the recipient at the time the call is received (i.e. a first communication device with a highest probability is equivalent to a device is available (when this device is in the

geographical range of communication service of a cell site and the device is turned on) (Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16); and

forwarding the incoming call to the first selected communication device (Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16).

Silverman fails to teach a video communication request. However, Tov, in the same field of endeavor having closely related objectivity, teaches a video communication request (i.e. video communication request is a video call) (page 1, paragraph 11).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Tov's teachings of a video communication request, in the teachings of Silverman in the intelligent cellular forwarding system, for the purpose of provide a system in which the communication device to which all incoming audio/video calls are to be forwarded is automatically predicted in advance based on the location of the called party.

3. Regarding claim 2, Silverman teaches the method of claim 1, further comprising:  
in response to the recipient not accepting the request within an established time interval:

selecting a second communication device with a next highest probability of being presently accessible to the recipient after the first selected communication

device (i.e. a second device with a next highest probability is equivalent to a alternate communication device nearest to the most recent active cell site) (Col. 3, L. 16 – Col. 4, L. 9; and Col. 5, L. 16-40); and

forwarding the incoming call to the second selected communication device (Col. 3, L. 16 – Col. 4, L. 9; and Col. 5, L. 16-40).

The same motivation that was utilized in claim 1, applies equally as well to claim 2.

4. Regarding claim 3, Silverman teaches the method of claim 1, wherein selecting comprises:

selecting from the set of communication devices a communication device to which the recipient is currently logged in (i.e. a communication device which the recipient is currently logged in is equivalent to a communication device which is turned on and the called party communication device is available) (Col. 3, L. 50-62; and Col. 4, L. 62-Col. 5, L. 16).

5. Regarding claim 4, Silverman teaches the method of claim 1, wherein selecting comprises:

selecting from the set of communication devices a communication device last accessed by the recipient (Col. 3, L. 16-Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 16).

6. Regarding claim 5, Silverman teaches the method of claim 1, wherein selecting comprises:

obtaining schedule data identifying probable physical locations of the recipient at various times (i.e. table 1, which is a table of mapping of each alternate communication device and its associate nearest cell site, is a schedule data) (Col. 3, L. 16- Col. 4, L. 29);

determining from the schedule a probable physical location of the recipient at the time the call is received (i.e. determining from table 1 a communication device which is nearest to the most recent active cell site) (Col. 3, L. 16- Col. 4, L. 29); and

selecting from the set of communication devices a communication device in closest proximity to the probable physical location of the recipient (Col. 3, L. 16- Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 40).

The same motivation that was utilized in claim 1, applies equally as well to claim 5.

7. Regarding claim 6, Silverman teaches the method of claim 1, wherein selecting comprises:

storing usage pattern data identifying communication devices used by the recipient at various times (i.e. table 1, which is a table of mapping of each alternate communication device and its associate nearest cell site, is equivalent to a usage pattern data which identifies communication devices to be used by the

called party. This table is stored in memory device 65) (Col. 3, L. 16- Col. 4, L. 29); and

determining from the usage pattern data a communication device accessible to the recipient at the time the call is received (i.e. determining from table 1 a communication device which is nearest to the most recent active cell site) (Col. 3, L. 16- Col. 4, L. 29).

The same motivation that was utilized in claim 1, applies equally as well to claim 6.

8. Regarding claim 7, Silverman teaches the method of claim 1, wherein selecting comprises:

storing user preference data identifying communication devices to be used by the recipient at various times (i.e. table 1, which is a table of mapping of each alternate communication device and its associate nearest cell site, is equivalent to a user preference data which identifies communication devices to be used by the called party. This table is stored in memory device 65) (Col. 3, L. 16- Col. 4, L. 29); and

determining from the user preference data a communication device to be used by the recipient at the time the call is received (i.e. determining from table 1 a communication device which is nearest to the most recent active cell site) (Col. 3, L. 16- Col. 4, L. 29).

The same motivation that was utilized in claim 1, applies equally as well to claim 7.

9. Regarding claim 8, Silverman teaches the method of claim 1, wherein selecting comprises:

determining, based on a locator device carried by the recipient, an actual physical location of the recipient at the time the call is received (Col. 3, L. 16-Col. 4, L. 29); and

selecting from the set of communication devices a communication device in closest proximity to the actual physical location of the recipient (Col. 3, L. 16-Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 40).

The same motivation that was utilized in claim 1, applies equally as well to claim 8.

10. Regarding claim 9, Silverman teaches the method of claim 1, wherein selecting comprises:

polling each communication device within the set for an indication of the recipient's presence (Col. 3, L. 16- Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 40).

11. Regarding claim 10, Silverman teaches the method of claim 1, wherein selecting comprises:



receiving an indication of the recipient's presence from a communication device within the set (i.e. an indication of the recipient's presence which is the recipient's communication device is available and the device itself is turned on) (Col. 3, L. 16- Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 40).

12. Regarding claim 11, Silverman teaches the method of claim 1, wherein selecting comprises:

receiving an indication of the recipient's presence sent from a communication device within the set in response to a user command (i.e. an indication of the recipient's presence which is the recipient's communication device is available and the device itself is turned on. When a cellular central office 60 receives the "available" and "turned on" signal, it receives the indication from the user (i.e. the called party) in response to transmit the incoming call to the device) (Col. 3, L. 16- Col. 4, L. 29; and Col. 4, L. 62-Col. 5, L. 40).

13. Regarding claim 12, Silverman teaches the method of claim 1, further comprising:

receiving configuration information from a user pertaining to a new communication device associated with the user (i.e. a new communication device is B or C which is associated with the called party) (Col. 2, L. 62-Col. 3, L. 2; and Col. 3, L. 16-Col. 4, L. 29); and

adding the configuration information to information pertaining to a set of communication devices associated with the user (Col. 2, L. 62-Col. 3, L. 2; and Col. 3, L. 16-Col. 4, L. 29).

14. Regarding claim 13, Silverman teaches the method of 12, wherein configuration information comprises at least one of a name for the communication device, a type of the communication device, and a network address for the device (i.e. identification of the communication device is equivalent to a name or a network address of the device (such as A or B or C)) (Col. 1, L. 28-35; and Col. 3, L. 16-50).

15. Regarding claim 14, Silverman teaches the method of claim 1, further comprising: in response to the user accepting the incoming call: establishing communication with the first selected communication device (Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16).

The same motivation that was utilized in claim 1, applies equally as well to claim 14.

16. Regarding claim 15, Silverman teaches the method of claim 14, wherein the incoming call originates from a caller device capable of audio communication and wherein establishing comprises:

detecting that the first selected communication device supports audio-only communication (Col. 3, L. 16-62); and

establishing an audio-only connection with the first selected communication device (Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16).

The same motivation that was utilized in claim 1, applies equally as well to claim 15.

17. Regarding claim 16, Silverman teaches the method of claim 1, wherein each communication device in the set has an associated network address, and wherein forwarding comprises:

addressing the incoming call to the network address for the first selected communication device (i.e. the network address of the selected communication device is an identification of the device) (Col. 1, L. 28-35; and Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16); and

transmitting the incoming call to the first selected communication device (Col. 3, L. 16-62; and Col. 4, L. 62-Col. 5, L. 16).

The same motivation that was utilized in claim 1, applies equally as well to claim 16.

18. Regarding claim 17, Silverman teaches the method of claim 16, wherein the network address comprises one of a uniform resource locator (URL), an Internet protocol (IP) address, a media access control (MAC) address, and a telephone

number (i.e. an identification of the telephone communication device is equivalent to the network address which comprises a telephone number) (Col. 1, L. 28-35).

19. Regarding claim 18, Silverman teaches the method of claim 1, wherein the incoming call is received by a communication node linking a caller and the recipient (i.e. a central cellular office is a communication node linking a caller and the recipient (or the called party)) (Col. 3, L. 16-50).

The same motivation that was utilized in claim 1, applies equally as well to claim 18.

20. Regarding claim 20, Silverman teaches the method of claim 1, wherein the incoming call comprises an address that uniquely identifies the recipient associated with the set of communication devices (i.e. a called party identification which is an address that uniquely identifies the called party associated with the list of devices A, B, and C) (Col. 3, L. 16-50).

The same motivation that was utilized in claim 1, applies equally as well to claim 20.

21. Claims 21-38, 40 are corresponding system claims of method claims 1-18, 20.

Therefore, they are rejected under the same rationale.

22. Claim 41 is corresponding system claim of method claim 1. Therefore, it is rejected under the same rationale.

23. Claims 19, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman and Tov as applied to claims 1 and 21 above, and further in view of Sears (US 2003/0046705 A1).

24. Regarding claim 19, Silverman and Tov disclose the invention substantially as claimed. Silverman teaches the communication node is a local switching office 55 (Col. 3, L. 16-50).

Silverman and Tov fail to teach the communication node is selected from the group consisting of a set top box (STB), a cable head-end, an Internet server, and a satellite broadcast center. However, Sears, in the same field of endeavor having closely related objectivity, teaches the communication node is selected from the group consisting of a set top box (STB), a cable head-end, an Internet server, and a satellite broadcast center (page 1, paragraph 19, 25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Sears's teachings of the communication node is selected from the group consisting of a set top box (STB), a cable head-end, an Internet server, and a satellite broadcast center, with the teachings of Tov for personalized visitor pages, in the teachings of Silverman in the intelligent cellular forwarding system, for the purpose of provide a system in which the communication device to which all incoming audio/video

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calls are to be forwarded is automatically predicted in advance based on the location of the called party.

25. Claim 39 is corresponding system claims of method claim 19. Therefore, it is rejected under the same rationale.

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

- 5,937,057 Bell et al. 08-1999
- US 2003/0025787 A1 Stephens, JR 02-2003
- US 6,518,994 B1 Johnson et al. 02-2003

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JASON D. CARDONE can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Minh-Chau Nguyen  
Art Unit: 2145

MN

  
JASON CARBONE  
SPE AU2145